

Police Legal Advisors Training Program 402

CLE Submission Materials

**This package contains the instructor biographies
and the course syllabus sheets.**

George K. Hurst

Education:

1967 graduate of Norwich University, B.A. in Government

1973-1974 graduate study in Public Administration, University of Georgia

1979 graduate of Rutgers University School of Law-Camden, J.D.

Legal and Law Enforcement Experience:

- Senior Instructor, Legal Division, Federal Law Enforcement Training Center (FLETC), 2003-present. Teach all legal aspects of federal law enforcement training conducted at the FLETC for many federal law enforcement agencies.
- Assistant Attorney General, North Carolina Department of Justice, Morehead City, N.C., 1998-2004. Counsel for North Carolina Division of Marine Fisheries and Police Attorney for North Carolina Marine Patrol. Police Attorney for North Carolina Division of Parks and Recreation.
- Assistant Attorney General, Medicaid Investigations Unit, North Carolina Department of Justice, Raleigh, N.C., 1992-1998. Prosecutor and Task Force Supervisor for financial investigation team of myself, six investigators, and one support person. Member, Federal-State Health Care and Insurance Fraud Task Force. Conducted criminal investigations of Medicaid Provider Fraud, embezzlement of patient funds, and patient abuse in Medicaid facilities.
- Police Attorney, City of Greenville, North Carolina, 1991-1992. Provided legal advice, assistance and training for all aspects of the department. Also Training Director for Greenville Police Department and Legal Advisor for the Greenville Fire Department.
- Legal Instructor, North Carolina Justice Academy, 1986-1991. Researched, developed, coordinated and taught legal courses for criminal justice personnel. Provided legal assistance to law enforcement agencies throughout the state.
- Assistant Attorney General, Human Services Division, Vermont Attorney General's Office, Waterbury, VT, 1984-1986
- Deputy State's Attorney, Lamoille and Orleans Counties, 1983-1984
- Police Chief, Town of Stowe, Stowe, Vermont, 1979-1982.
- Law Clerk to Chief of the Criminal Division, U.S. Attorney's Office, Eastern District of Pennsylvania, Philadelphia, PA., 1977-1978.
- Executive Officer, Fort Bragg Field Office, U.S. Army Criminal Investigation Command, Fort Bragg, N.C., 1974-1975.
- Company Commander, 2nd Military Police Company, 2nd Infantry Division, Korea, 1972-1973.
- Deputy Provost Marshal, 2nd Infantry Division, Korea, 1972.

Additional Instruction Experience:

- Instructor, Reserve Officer Advanced Course, U.S. Army, 1035th USAR School, Winooski, VT.
- Audio-Visual Instructional Technologies Officer, 1035th USAR School, Winooski, VT.
- Instructor, Sampson Community College and James Sprunt Community College, N.C.
- Instructor, Vermont Community College. Taught Introduction to Criminal Justice Course.
- Student Instructor, Research and Writing Program, Rutgers University School of Law.
- Certified Instructor, North Carolina Criminal Justice Training and Standards Commission, 1986-1992

Instructor Training Programs:

Graduate of Law Enforcement Instructor Training Program, FLETC
Graduate of Basic Evaluation Training Program, FLETC
Graduate of Instructor Training Program, North Carolina Justice Academy
Graduate of FBI Law Enforcement Instructor Development program
Variety of U.S. Army instructor development programs

Additional Experience:

- Editor, *Criminal Justice Bulletin*, N.C. Department of Justice
- Honor Graduate, Basic Police Training Program, Vermont Police Academy, 1979.
- Graduate, Command and General Staff Officer Course, U.S. Army,
- Graduate, Military Police Officer Advanced Course, U.S. Army Military Police School, 1974.
- Graduate, Municipal Police Administration course, Institute for Training in Municipal Administration, International City Management Association, 1975-1976.

Edmund W. J. Zigmund

Education:

1981 graduate of King' College, B.A. in Criminal Justice
1988-1991 graduate study in Criminal Justice, Marywood College
1993 magna cum laude graduate, J.D., Widener University School of Law

Law Enforcement Experience:

Police Officer, Wilkes-Barre City Police Department, PA; 1979-1991
Graduate of Pennsylvania State Police Municipal Police Academy. Served as a Police Officer, Sergeant and Detective Lieutenant. Graduate of Prince George County Police Department, Maryland, Emergency Services Team Tactics Course (S.W.A.T.).

Assistant District Attorney, Lackawanna County, Pennsylvania; 1994-1997.
Assigned to the drug prosecution unit. Duties included criminal prosecution, electronic surveillance and wiretapping, civil forfeiture of illegal drug assets, state grand jury investigation and investigative advice to state and local law enforcement officers.

Police Legal Advisor, Wilkes-Barre City Police Department, Pennsylvania; 1998-2001.
Duties included providing legal representation, advice and training to the police department staff in the areas of criminal law and procedure, civil liability, labor and disciplinary law.

Assistant District Attorney, Cumberland County, Pennsylvania; 2001-2002.
Duties included general criminal prosecution with a focus on drug prosecution. Served as primary legal advisor to the Cumberland County District Attorney's Detective Division.

Instruction Experience:

Certified Municipal Police Instructor, Harrisburg Community College Police Academy, Pennsylvania; 2001-2002.
Taught basic police recruit training in the area of drug law enforcement.

Police Legal Instructor, North Carolina Justice Academy; 2002-2003.
Taught basic and advanced training for state and local law enforcement officers in all aspects of criminal law, criminal procedure and civil liability.

Senior Instructor, Federal Law Enforcement Training Center (FLETC); 2003 – present.
Teach aspects of federal law enforcement training conducted at the FLETC for all partner organizations.

Additional Experience:

Author of the Pennsylvania Chiefs of Police Quarterly magazine *Legal Update* column.

John Besselman

Education:

1986 graduate of Kent State University, B.S. in Criminal Justice

1989 graduate of Ohio State University College of Law, J.D.

2001 graduate of Georgia Southern University, M.P.A.

Law Enforcement Experience

Assistant District Attorney, Cumberland County, Maine; 1989-1991.

Conducted all aspects of felony and misdemeanor prosecutions, including case review, grand jury, witness interview, trial preparation, jury selection, trial, sentencing and appeal work.

U.S. Customs Service, Office of Chief Counsel; 1991-1994.

Served as a trainer of the U.S. Customs Service law enforcement personnel and as an Attorney-Advisor to agents and inspectors in the field. Worked in the field as an Attorney-Advisor in Chicago, serving as the lead legal advisor to numerous customs investigations before turning cases over to U.S. Attorney's Office for prosecution.

Assistant Prosecuting Attorney, Licking County, Ohio, 1995.

Conducted all aspects of felony prosecutions, including case review, grand jury, witness interview, trial preparation, jury selection, trial, sentencing and appeal work.

Instruction Experience

Attorney-Advisor, Office of Chief Counsel for U.S. Customs Service, 1991-1993.

Taught in all aspects of U.S. Customs agents and inspectors' training. I taught numerous courses in basic, advanced and specialized training for the U.S. Customs Academy on a full-time basis.

Senior Instructor, FLETC, 1997-2001.

Taught all legal aspects of federal law enforcement training conducted at the FLETC for all partner organizations. Also conducted numerous advanced legal training sessions as an instructor and coordinator of the Continuing Legal Education Training Program.

Branch Chief, FLETC, 2001- present.

Continue to teach approximately 50% course load of that of senior instructors in division. Serve as a training officer to new instructors. Supervise instruction of senior instructors in the division.

Additional Experience

Creator of *Quarterly Review* (1998), Legal Issues Source Book (1998), FLETC Instructor Legal Training Program (2001)

Editor of *Quarterly Review*, 1998

Editor of Legal Division Student Text, 1999-present

Coordinator of CLETP 2000-2001

Training Officer, 1998-present

EEO Counselor, 1998-2001

FLETC Intern Committee, 1998-2002

Chair, Computer Augmented Training Committee, 2001-present

Susan Thornton

Education

1979 graduate of Georgia Southern University, B.S. Journalism

1999 graduate of Florida Coastal School of Law, J.D., Magna Cum Laude

Legal Experience

Assistant District Attorney, Brunswick Judicial Circuit, 2001-2003

Managed a large felony caseload from the initial arrest to the final disposition by trial or dismissal, which included making all charging decisions, from the warrant stage through the drafting of the accusation or indictment, as well as preparing for trial, jury selection, sentencing, and appeal.

Federal Judicial Law Clerk, Southern District of Georgia

Performed legal research and wrote reports and recommendations for U.S. Magistrate Judge James E. Graham on civil rights issues raised under U.S.C. §1983 and Bivens by prison inmates incarcerated in the Southern District of Georgia. Attended pre-trial motion hearings and researched and wrote recommendations for disposition of criminal motions to suppress in Federal Court. Also wrote reports and recommendations for disposition of Social Security appeals.

Instruction Experience

Senior Instructor, FLETC, 2003 – present

Provide legal training to federal agents employed by agencies such as the Bureau of Immigration and Customs Enforcement (including the U.S. Border Patrol), U.S. Secret Service, Marshals Service, U.S. Bureau of Alcohol, Tobacco and Firearms, and many more. Also responsible for assisting the editor of the Legal Issues Source Book and the Legal Division Student Text.

Instructor, Coastal Georgia Community College, Summer 2002

Taught Legal Research and Writing I and II to students enrolled in the Legal Assistant course at Coastal Georgia Community College. The topics covered in the course included how to begin researching legal issues; how to conduct legal research on a specific topic, including finding cases, secondary materials, and statutes; how to use legal sources such as Shepard's Citations; how to read appellate decisions and determine the key legal issue(s), holding(s) and facts; and how to read and interpret statutes.

Teaching Assistant, Florida Coastal School of Law, 1997-98

Assisted instructors in the Lawyering Process course (Legal Writing and Research).

Developed lesson plans and taught weekly tutorials for 90 first-year students.

Held weekly office hours to help students with research and writing skills. Graded assignments, papers. Prepared in-class assignments, handouts.

Additional Experience

City Editor, The Brunswick News, 1991-1996

Responsibilities included overseeing a staff of five reporters and two photographers, charged with covering the news throughout Brunswick and Glynn County. Multiple skills in writing, editing, and organizing employed daily to ensure that the local news was reported in a timely and accurate manner.

Reporter, The Brunswick News, 1989-1991

Advertising Account Executive, Savannah Morning News, 1984-1989

Advertising Account Executive, Atlanta Journal-Constitution, 1980-1984

Carl Milazzo

Education:

1984 graduate of Western Illinois University, B.S. in Law Enforcement Administration
1987 graduate of Illinois Institute of Technology – Chicago Kent College of Law

Law Enforcement Experience:

Police Attorney, Fayetteville Police Department, North Carolina; 1993-2001.
Duties included providing legal representation, advice and training to the police department staff in the areas of criminal law and procedure, civil liability, labor and disciplinary law.

Instruction Experience:

Senior Instructor, Federal Law Enforcement Training Center (FLETC), Legal Division;
2002 – 2003.
Teach aspects of federal law enforcement training conducted at the FLETC for all partner organizations.

Additional Experience:

Chair, Legal Officers Section, IACP

SYLLABUS for
POLICE LEGAL ADVISORS TRAINING - COURSE 402

COURSE TITLE: Employment Law
COURSE NUMBER: 1225

LENGTH OF PRESENTATION:

<u>LECTURE</u> <u>PROGRAM</u>	<u>LAB</u>	<u>P.E.</u>	<u>TOTAL</u>	
4:00			4:00	PLATP

DESCRIPTION:

This course discusses numerous issues associated with employment law, to include a discussion of the Americans With Disabilities Act; First Amendment freedom of speech activities; the Fair Labor Standards Act; the Family and Medical Leave Act; issues regarding sexual harassment and sexual discrimination in the workplace; and Title VII of the Civil Rights Act of 1964.

TERMINAL PERFORMANCE OBJECTIVE (TPO):

The student will identify Constitutional and statutory provisions that protect employees in the workplace.

ENABLING PERFORMANCE OBJECTIVES (EPO):

1. Identify the purpose and application of the Americans With Disabilities Act.
2. Identify the purpose and application of the Fair Labor Standards Act.
3. Identify the purpose and application of the Family and Medical Leave Act.
4. Identify First Amendment freedom of speech issues that may impact on the workplace.
5. Identify sexual harassment and discrimination issues that may occur in the workplace, and an employer's responsibilities regarding the prevention of such activities.
6. Identify the purpose and application of Title VII of the Civil Rights Act of 1964.

COURSE TITLE: Ethics
COURSE NUMBER: 1230

LENGTH OF PRESENTATION:

<u>LECTURE</u> <u>PROGRAM</u>	<u>LAB</u>	<u>P.E.</u>	<u>TOTAL</u>
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2:00

2:00

PLATP

DESCRIPTION:

This course will discuss ethical considerations that police attorneys must consider to legally discharge their responsibilities.

TERMINAL PERFORMANCE OBJECTIVES (TPO):

Using real-world scenarios, the student will analyze the ethical issues presented, and discuss different means in which to ethically respond to the issues presented.

ENABLING PERFORMANCE OBJECTIVES (EPO):

Identify the ethical problems that may arise during the course of performing duties as a police legal advisor, as well as appropriate responses to those problems.

COURSE TITLE: Fourth Amendment

COURSE NUMBER: 1211

LENGTH OF PRESENTATION:

<u>LECTURE</u>	<u>LAB</u>	<u>P.E.</u>	<u>TOTAL</u>	
<u>PROGRAM</u>				
6:00			6:00	PLATP

DESCRIPTION:

This course examines the principles of search and seizure as prescribed by the Fourth Amendment. The exclusionary rule, probable cause, particularity, and other constitutional safeguards are identified and explained. Emphasis is placed on the legal exceptions to the warrant requirements.

TERMINAL PERFORMANCE OBJECTIVE (TPO):

The student will identify the requirements for conducting a legal search both with and without a search warrant.

ENABLING PERFORMANCE OBJECTIVES (EPO):

1. Recognize when the Fourth Amendment applies to governmental action.
2. Identify situations in which a reasonable expectation of privacy exists.
3. Identify appropriate actions that may be taken when reasonable suspicion exists.
4. Identify when probable cause exists to the extent that an arrest or search may be justified.
5. Identify the origin, purpose and scope of the exclusionary rule.
6. Identify exceptions to the exclusionary rule, e.g., no standing to object, good faith, inevitable discovery and impeachment.
7. Identify the limitations of an arrest warrant.
8. Identify when an arrest involving a felony requires the use of a warrant.
9. Identify when an arrest involving a misdemeanor requires the use of a warrant.
10. Identify the components of an affidavit for a search warrant.
11. Identify circumstances in which a telephonic search warrant should be obtained.

12. Identify the legal requirements for executing a search warrant, e.g., authority to execute, time of entry, method of entry, locations on a premise that may be searched, duration of the search, and inventory.
13. Identify the scope and purpose of a protective sweep.
14. Identify circumstances in which persons on the premises may or may not be searched during the execution of a premises search warrant.
15. Identify circumstances in which evidence may be seized under the plain view doctrine.
16. Identify fact situations where warrantless searches are permitted regarding motor vehicles.
17. Identify fact situations where warrantless searches are permitted during exigent circumstances, e.g., hot pursuit, destruction or removal of evidence, and emergency scenes.
18. Identify the requirements and scope of a search incident to a lawful arrest.
19. Identify circumstances in which a suspect's consent to search is voluntary.
20. Identify the circumstances in which a third party has actual or apparent authority to grant consent to search a suspect's property.
21. Identify the requirements allowing an inventory of lawfully impounded personal property.
22. Identify the circumstances when an inspection is permitted for real and personal property.

COURSE TITLE: Legal Issues For Medial Relations
COURSE NUMBER: 1420

LENGTH OF PRESENTATION:

<u>LECTURE</u>	<u>LAB</u>	<u>P.E.</u>	<u>TOTAL</u>	<u>PROGRAM</u>
1:00			1:00	PLATP

DESCRIPTION:

This course provides a general overview of police - media legal issues. The basic constitutional issues regarding freedom of the press; what information may generally be released to the public by police agencies; the federal Freedom of Information and Privacy Act; and state and local issue of importance will be discussed. The course will concentrate on "issue recognition;" the importance of coordinating with local in-house counsel; and the black letter law, when available. Special emphasis will be placed on recent police - media technologies, such as Closed Circuit Television Tapes, In-Car Police Video Operations, etc.

TERMINAL PERFORMANCE OBJECTIVE (TPO):

Given an overview of Federal Constitutional Case Law and statutory evolution, the student will be able to identify what "police" information may be released and / or withheld to / from the public / media without legal liability. The student will also be able to apply the Federal evolution to state based applications.

ENABLING PERFORMANCE OBJECTIVES (EPO):

1. Identify Constitutional issues surrounding the release of "police" information to the public / media.

Comment: Page: 3
The EPOs can be hyperlinked to the EPOs in the INTRODUCTION and PRESENTATION section.

2. Identify, generally, what “police” information may be released to the public / media without legal liability.
3. Identify the basic legal justification to withhold information from release under the Federal Freedom of Information Act and Privacy Act as a framework to understand application of state based “Sunshine Laws.”

COURSE TITLE: Officer Liability
COURSE NUMBER: 1023

LENGTH OF PRESENTATION:

<u>LECTURE</u>	<u>LAB</u>	<u>P.E.</u>	<u>TOTAL</u>	
	<u>PROGRAM</u>			
4:00			4:00	PLATP

DESCRIPTION:

This course examines Federal cases and Federal statutes enacted to protect an individual's Constitutional and Federal civil rights. It includes a discussion of criminal and civil remedies, use of force issues, and the available defenses to civil liability claims.

TERMINAL PERFORMANCE OBJECTIVE (TPO):

The student will be able to recognize common law enforcement actions that may lead to criminal and/or civil liability of an individual officer and/or the United States Government, and the available defenses to such claims. The student will also recognize issues regarding the use of force under Graham v. Connor and Tennessee v. Garner, and when an officer is entitled qualified immunity on such claims.

ENABLING PERFORMANCE OBJECTIVES (EPO):

1. Identify the elements, applicability, and scope of Title 42 U.S.C. § 1983 and the Bivens Analogy.
2. Recognize the most common incidents of personal civil liability of Federal law enforcement officers.
3. Recognize available defenses to the personal civil liability of Federal law enforcement officers.
4. Identify the legal standards outlined in Graham v. Connor for the use of force during the seizure of an individual.
5. Identify when deadly force is authorized under both Tennessee v. Garner and the FLETC Use of Force policy.
6. Identify legal issues associated with the use of intermediate weapons, such as striking instruments and chemical sprays.
7. Identify the elements of "qualified immunity" and when a law enforcement officer sued for excessive use of force is entitled to it

Comment: Page: 3
To hyperlink the EPOs [BLOCK] and [COPY] text to the clipboard. Next go to section in document and place [INSERTION POINT (*blinking cursor*)] where hyperlink is to be placed. Next go to [EDIT], select [PASTE SPECIAL], select [PASTE LINK], select [FORMATTED TEXT (RTF)], then select [OK]. After the text has been modified to update the [LINK] depress [F9]. Word will then update all links at that time.

COURSE TITLE: Self-Incrimination

LENGTH OF PRESENTATION:

<u>LECTURE</u>	<u>LAB</u>	<u>P.E.</u>	<u>TOTAL</u>	<u>PROGRAM</u>
6:00			6:00	PLATP

DESCRIPTION:

Through lecture and class discussion, this course examines the legal implications of obtaining evidence directly from the suspect. We discuss the Fourth, Fifth, and Sixth

Amendments as they relate to testimonial and non-testimonial evidence obtained from the accused.

TERMINAL PERFORMANCE OBJECTIVE (TPO):

Given a set of facts derived from case law involving custodial and/or non-custodial police action, the student will identify actions that might violate a person's rights under the Fifth Amendment, identify those situations that involve due process issues under the Fifth Amendment, identify what circumstances require that a Miranda warning be given, identify circumstances where Miranda warnings are not required, and identify actions that violate the right to counsel clause of the Sixth Amendment.

ENABLING PERFORMANCE OBJECTIVES (EPO):

1. Identify Fourth Amendment actions by law enforcement that can impact on a subsequent statement.
2. Identify actions by law enforcement that can violate Fifth and Fourteenth Amendment due process guarantees.
3. Identify those situations in which the Fifth Amendment *Miranda* warnings are required.
4. Identify a valid waiver of *Miranda* rights.
5. Identify the law enforcement procedures after an assertion of Fifth Amendment *Miranda* rights.
6. Identify the exceptions to the Fifth Amendment *Miranda* requirements.
7. Identify those situations when the Sixth Amendment right to counsel exists.
8. Identify those situations in which a defendant may be legally questioned under the Sixth Amendment without an attorney present.
9. Identify the situations pertaining to eyewitness identification in which the Sixth Amendment right to counsel applies.
10. Identify the situations pertaining to eyewitness identifications that can be affected by the Fifth and Fourteenth Amendment due process guarantees.